

OSDM / Services / Referrals Workgroup

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Objectives to Address:

I. Review 2012 Report Recommendations:

- Elder Abuse Intervention System
- Design Comprehensive Prevention & Intervention System for Elder Abuse Pursuit to 231.56A and OSDM 231E
 - Review EAI Report
 - Review OSDM Report
- Review Existing Systems
 - Area Agency on Aging
 - Mental Health & Disability Service Regions
 - Local Public Health Departments
 - Local Department of Human Services

II. Review LEAN Recommendations:

A. Substitute Decision Maker (SDM)

- **It is recommended that the State reinstitute the Office of Substitute Decision Maker ("OSDM") centralizing it at the state level and providing positions for paid guardians and conservators.** Chapter 231E establishes offices at the state and local levels to provide substitute decision making services to adults of all ages. Implementation of the chapter is dependent on funding, and funding was pulled in 2009. Without an operating OSDM, those without a surrogate decision maker may rely only upon a county-level "local substitute medical decision-making board" pursuant to Iowa Code section 135.29. Counties are not required to establish these boards, and few are able to maintain boards due to difficulties in recruiting medical professionals and laypersons for participation. Additionally, and importantly, these boards are limited to making medical decisions. Centralization of this function at the state level would result in greater efficiencies and consistency of services.

- **It is recommended that the State adopt the Uniform Power of Attorney Act (“UPOAA”).** The UPOAA clarifies and modernizes the law regarding powers of attorney. It preserves the POA as a viable and effective form of surrogate decision making. It also provides protections for principals, agents and those relying upon the POA and provides greater guidance and clarity of duties for the agent. Further, it encourages wider acceptance of POAs by third parties as a result of the greater protection of those relying upon the documents and recognizes portability of POAs.

B. Emergency Services

Older Iowans who are victims of abuse, neglect or financial exploitation need immediate access to services in order to ensure the safety of their person or property. The following recommendations were identified:

- **Allow victims and/or families to obtain protective orders** – Develop legislation similar to that of domestic violence statutes and/or dependent adult abuse statutes which allow victims and or family members to get a protective order.
- **Create Safe Havens** – Explore existing Foster Grandparent Programs to serve as Safe Havens and replicate; Research what requirements need to be met for long-term care facilities and/or assisted living programs to use empty beds as Safe Havens; Look to child abuse foster parent system for potential models and duplication; and design an evaluation tool to assess the needs/services for the older adult.
- **Establish a fund for Emergency Services** - Unfortunately, immediate access to funds to pay for needed services is not readily available. Services might include the need to obtain a restraining order, revocation of a power of attorney document, or filing court fees to prevent further victimization and financial exploitation by a fiduciary. The instant availability of service dollars for immediate needs allows the older Iowan to stay in their home safely. Possibilities for generating such a fund include: a) Creating a surcharge on criminal prosecutions; b) Crime Victim’s Assistance Program; c) Elder Justice Act Appropriations; d) Medicaid Fraud Control Unit Recovery Funds; and e) Grants.

III. Identify Any Additional Recommendations

IV. Develop Implementation Strategies as Per SF446 Mandates

V. Draft Proposed Legislation for Legislative Interim Committee Approval

VI. Other Considerations:

- **When To Meet**
- **How To Meet**
- **What to Address**